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Letter dated 4 October 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

It would be remembered that the Turkish minority, owing to the delay occurring in the preparation of documents to reflect the understanding reached between the Turkish community representatives and the United Nations Interim Administration Mission in Kosovo (UNMIK), was not able to complete their registration, and hence could not take part in the local elections in Kosovo. This issue was addressed during the Kosovo open briefings at the Security Council on 24 August and 27 September 2000.

However, remarks made by United Nations representatives on this issue in the Council briefings did not fully reflect the real nature of this question, nor did the comments on this matter contained in section II of your report of 18 September 2000 on UNMIK (S/2000/878).

To be precise, the insistence of the Turkish community in Kosovo is to preserve their legitimate and acquired rights and is not an excessive drive by some splinter group as described in the Kosovo briefings of the United Nations authorities and in the report. The Turkish community in Kosovo wishes that these rights would be well and properly secured, and that the equal status of the Turkish language, with Albanian and Serbian, as stipulated in the 1974 Constitution, would be honoured.

Thus, the incomplete comments on the "non-participation", as such, of the Turkish community in Kosovo in the local elections are likely to cause confusion in the minds of the international community about the legitimate demands of the Kosovo Turks.

As a matter of fact, when endeavours were under way to establish an interim administration in Kosovo, the representatives of the Turkish community of Kosovo sought the preservation of the acquired rights of the Turks in Kosovo and sent a joint letter to UNMIK, asking, as a national minority, the acknowledgement of those acquired rights. Their requests received no adequate response for several months.

Indeed, it was only in the last stage of the registration process for participating in the elections that UNMIK recognized the need to consider the demands of the Turkish minority. The initial intention of UNMIK was to make some modifications in its policy towards the Kosovo Turks through a document presented to the Kosovo Turkish community. These were not found to be satisfactory by the community's representatives.

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At that point, Turkey offered its contribution in order to help find a solution and invited the representatives of the Kosovo Turks and Bernard Kouchner, head of UNMIK, to Ankara to conduct a meaningful dialogue. The content of the document was discussed and a mutual understanding was reached in Ankara between İsmail Cem, Minister for Foreign Affairs of Turkey, and Dr. Kouchner. Accordingly, the Kosovo Turks would have been able to register themselves once the agreed text was issued. Later, however, UNMIK unilaterally took steps to make substantial changes in the agreed text concerning the status of the Turkish language and the provision giving the Turkish minority the right to register.

In a spirit of compromise, given the state of affairs in Kosovo, the Turkish minority gave its consent to the revised version. The document, outlining the rights of the Turkish minority, was to be issued to the Turkish community promptly. That was not done. And in the meantime precious time was lost, as a result of which the Kosovo Turks were told that it was too late for them to register.

Later on, following the talks between Foreign Minister Cem and you, which took place in New York, Dr. Kouchner agreed to send a letter to the political representatives of the Turkish minority. The document, outlining guarantees envisaged for the rights of the Turkish minority, was sent by Dr. Kouchner to the President of the Turkish Democratic Party along with a letter dated 15 September 2000, a copy of which is enclosed herewith (see annex).

I thank you for your and Dr. Kouchner's personal efforts, and believe that this letter will serve as a framework in safeguarding the rights of the Turkish community in Kosovo. We see it as an initial yet significant step in a process through which the Turkish community will be able to exercise its acquired rights and take part fully in the elected and administrative bodies of Kosovo.

I believe that now is the time to act on this agreed framework, as Dr. Kouchner himself mentioned in the meeting of the Friends of Kosovo Group, regarding his letter to the Turkish community.

I would like to assure you that Turkey will continue to bring forth its constructive efforts and follow with meticulous and unwavering interest the implementation of the principles and elements laid down in Dr. Kouchner's text addressed to the Turkish community, as well as the process of laying down the foundations for security and stability in Kosovo.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the Security Council.

I avail myself of this opportunity to confirm our firm support to your tireless efforts to secure peace and prosperity for humanity.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

Annex to the letter dated 4 October 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Pristina, 15 September 2000

Following our fruitful discussions during the month of August 2000, I am sending to you the text entitled "To the Turkish Community", which outlines the main principles and ideas, as well as some operational steps, that UNMIK will develop in order to guarantee the rights of the Turkish community in Kosovo.

As you know, I am fully committed to guaranteeing equal rights to the members of all the communities in Kosovo. In the pursuit of such goal, UNMIK will continue to place a high priority on the dialogue with the representatives of the Turkish community at all levels. This dialogue should also include the exchange of ideas between the representatives of your community and representatives of several Joint Interim Administrative Structure administrative departments and units, which will be responsible for the progressive implementation of the principles and steps outlined in the document "To the Turkish Community".

(*Signed*) Bernard **Kouchner**
Special Representative of the Secretary-General

Enclosure

To the Turkish Community

The United Nations Interim Administration Mission in Kosovo (UNMIK) reiterates its commitment to the protection and promotion of human rights, as mandated in paragraph 11 (j) of Security Council resolution 1244 (1999) of 10 June 1999. In particular, UNMIK is committed to upholding international human rights standards relating to the protection of ethnic, religious or linguistic communities. To this end, UNMIK enacts legislation, policies and practices aiming at the creation of appropriate conditions enabling all communities to express, preserve and develop their national, cultural, religious and linguistic identities.

In pursuit of this aim, UNMIK is taking steps to guarantee the Turkish community in Kosovo their rights as referred to in the 1974 Kosovo Constitution. UNMIK reaffirms the equality of the Turkish community with the Albanian community, the Serbian community and all other communities, including the equality of their languages. This principle will be reaffirmed in a relevant regulation. The implementation of this principle shall be regulated and ensured by UNMIK regulations. UNMIK shall fully and fairly involve members of the Turkish community, as well as members of all other communities, in the preparation of future arrangements for the establishment of provisional institutions in Kosovo for the interim period.

1. UNMIK recognizes the right of members of the Turkish community to use their language and alphabet equally with the Albanian and Serbian languages in the municipalities where the Turkish community lives. More specifically, in line with the provisions contained in the draft regulation on self-government of municipalities in Kosovo, UNMIK will ensure, within these municipalities:

(a) The right of members of the Turkish community to use their own language in relations with the municipal authorities;

(b) That all official documents of the municipality (including birth certificates, death certificates, marriage certificates, diplomas, etc.) will be made available in the Turkish language and alphabet;

(c) That the meetings of the Municipal Assembly and its committees and public meetings shall be translated into Turkish language where appropriate;

(d) That official signs indicating or including the names of cities, towns, villages, roads, streets and other public places shall also be given names in Turkish language and alphabet.

2. Furthermore, any member of the Turkish community who is a party to a court proceeding shall have the right to use the Turkish language and to have the court proceedings translated if the proceedings are not conducted in the Turkish language.

3. Within the municipalities where the Turkish community lives, the members of the Turkish community shall have the right to instruction in the Turkish language within the framework of the general education system of Kosovo.

4. UNMIK regulations shall be issued in Turkish as well where the Turkish community lives.

5. Documents issued at the central level, such as travel documents and identification cards, will display the surnames and first names of members of the Turkish community in the Turkish language and alphabet. In pursuit of this aim, the relevant database has been specifically modified. For members of the Turkish community, on their request, UNMIK shall issue as soon as possible identification cards with the legend also in the Turkish language.

6. Regarding the registration process where the Turkish community lives:

(a) Duplicates of the civil registration forms in the Turkish language and alphabet have been made available to facilitate the registration procedure;

(b) A Turkish business registration application form was approved by the Business Registration Unit on 13 June 2000;

(c) Information material on the registration process has been available in the Turkish language.

7. UNMIK stresses the importance of the full participation of the Turkish community in the political mechanisms in Kosovo, through the available instruments, such as the registration for, and voting in, the upcoming municipal elections. In fact, in any democratic society, the active involvement of a community in public life remains the most effective manner in which that community can guarantee enjoyment of all its civil, political, economic, social and cultural rights.